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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHOI, PETER H

ART UNIT

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3623

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05/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/025,121	Applicant(s) MURATA ET AL.	
	Examiner Peter Choi	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 27, 2007 has been entered. Claims 1-3 and 9 are now pending in the application and have been examined on the merits discussed below.

Response to Amendment

2. Claims 1 and 9 have been amended in the submission filed on February 28, 2007.

Response to Arguments

3. Applicant's arguments filed February 28, 2007 have been fully considered but they are not persuasive.

Applicant argues that Stevens does not show to generate WBS of the subprojects from WBS of the base project and to interrelate the WBS's with each other.

The Examiner respectfully disagrees. Stevens teaches the step of linking tasks or entire projects together, specifying that one task cannot begin until another task has been completed [Paragraph 11]. Stevens teaches the step of organizing up to 10,000 tasks or milestones into 128 levels of resources and/or subprojects and 12 levels of work breakdown structures [Paragraph 10]. The Examiner is interpreting Stevens as defining up to 12 subprojects using 128 levels (substeps of said subprojects) using the 10,000 tasks or milestones. Thus, the 10,000 tasks or milestones populate the 128 levels, which in turn comprise the 12 subprojects of the work breakdown structure taught by Stevens. The Examiner is interpreting the sequential relationship between tasks (task dependency, i.e., one task cannot begin until another task has been completed) as linking subprojects with base projects, as the sequential relationship taught by Stevens may be directed towards tasks within a single subproject, or towards tasks spanning different subprojects within a single project. Thus, the linking of tasks/projects and establishment of task relationships (sequential ordering of tasks, etc.) is deemed by the Examiner to interrelate subprojects with base projects.

Applicant argues that in Stevens, it is impossible to compound the same stages of works and display the compound WBS.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., compounding similar stages of works of a WBS) are not recited in the rejected

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claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Thus, this argument is not deemed to be persuasive in ascertaining the patentability of the claimed invention.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 9 recite the step of defining a structure of works “based on a structure of works composed of an upper subproject in the hierarchical structure”. It is unclear whether this limitation pertains to defining a subproject based on a template (a defined upper subproject), or defining a subproject with tasks from an upper subproject. For example, Project PatentExamining contains subprojects Read case, Review claims, Prior art search, and Write Office Action. It is unclear whether the claim limitation is directed towards defining subprojects Read case, Review claims, Prior art search and Write Office Action with additional subtasks, or whether it is directed towards defining Project BusinessMethod PatentExamining, using Project PatentExamining as a template, where Project BusinessMethod PatentExamining inherits all the subprojects and

subtasks defined for Project PatentExamining. For examination purposes, the Examiner is interpreting this limitation to be directed towards further defining the subprojects that compose an upper subproject. Clarification is required.

Claims 1 and 9 recite the step of “defining relationships between respective works of subprojects and works of upper subprojects”. It is unclear whether the relationships are amongst the works within each subproject, or if the relationships are between the works of a subproject and the works of an upper subproject. For example, if Subproject 1 has worktask 1, and worktask 2, and Upper Subproject 1 has Upper_worktask 1 and Upper_worktask 2, it is unclear whether this limitation is directed toward defining the relationship between worktask 1 and worktask 2 within Subproject 1, or defining the relationship between worktask 1 (of Subproject 1) with Upper_worktask 1 (of Upper Subproject 1). For examination purposes, the Examiner is interpreting this limitation to be directed towards defining relationships between works within each subproject and within each upper subproject (thus, defining the relationship between worktask 1 and worktask 2 within Subproject 1). Clarification is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Larry Steven's "Simplifying Complex Project Management: Complex Projects at US West Benefit from AutoPlan II Project Management Software" (herein referred to as Stevens), published in the August 1995 issue of Open Computing.

As per claim 1, Stevens teaches a method of managing a hierarchically structured project on a computer, comprising the steps of:

(a) **defining subprojects composing the hierarchical structure (You can input up to 10,000 tasks or milestones, broken down into 128 levels of resources and/or subprojects. The project elements can be organized into 12 levels of work breakdown structures, which provide a hierarchy of tasks) [Paragraph 10];**

(b) **defining a structure of works composing each of said subprojects based on a structure of works composed of an upper subproject in the hierarchical structure (You can input up to 10,000 tasks or milestones, broken down into 128 levels of resources and/or subprojects. The project elements can be organized into 12 levels of work breakdown structures, which provide a hierarchy of tasks) {Thus, the upper subproject (the 12 levels of work breakdown structures) organizes 10,000 tasks or milestones into 128 levels of resources (i.e., subprojects), thereby defining subprojects based on the works of an upper subprojects} [Paragraph 10];**

(c) defining relationships between respective works of said subprojects and respective works of said upper subproject (**Using the graphical interface [of AutoPlan II], tasks or entire projects can be linked together. Consequently, it is possible to specify that one task can't begin until either one of two other tasks is completed**) [Paragraph 11];

(d) storing information about each work of each subproject (**Required resources (people or material), as well as time limitations, can be specified for each task in a project; Now that the program is easily accessible from anyone's workstation, it's much less difficult for team members to enter project data. As a result, the information on a project's progress is almost always up-to-date**) [Paragraphs 11, 19];

(e) collecting attribute information for a collection of works from two or more of said subprojects (**plan-vs-actual dates and cost, percent of task completed, time remaining, cash-flow reports, to-do lists; needed resources, tasks, time constraints {required to produce reports}**), said collection of works selected by a user and designated as a compound work (**Using the graphical interface, tasks or entire projects can be linked together; Now that the program is easily accessible from anyone's workstation, it's much less difficult for team members to enter project data. As a result, the information on a project's progress is almost always up-to-date**) [Paragraphs 11, 12, 13, 19]; and

(f) displaying the attribute information of said works comprising said compound work (**AutoPlan II is designed to allow workgroups to plan and monitor**

projects. It contains the two most common project management charts: PERT charts display tasks with information about resources or start and finish dates; Gantt charts graphically show the planned chronology of a project) [Paragraphs 11, 13-15].

As per claim 2, Stevens teaches a project management method as claimed in claim 1, wherein the information about said each work includes progress information and the method displays a progress degree of all works composed as said compound work **(AutoPlan II is designed to allow workgroups to plan and monitor projects. It contains the two most common project management charts: Gantt and PERT charts; PERT charts display tasks with information about resources or start and finish dates and show the relationships among tasks and between tasks and milestones; Gantt charts graphically show the planned chronology of a project. When you list the tasks in a column, the time period for those tasks is displayed horizontally across the screen; The reports most often selected are plan-versus-actual dates and costs, and percentage of the project (or sub-project) completed. The reports can be displayed in tabular or graphical format) [Paragraphs 11, 14, 15, 18].**

As per claim 3, Stevens teaches a project management method as claimed in claim 1, wherein an access privilege is set to said project, said subproject and said work, and the informations of said project, said subproject and said work, the access

privileges of which are given to the user, are displayed (**set up passwords by user identification, specifying which users can make changes and which can merely create reports and view the project charts**) [Paragraph 20].

As per claim 9, Stevens teaches a system of managing a hierarchically structured project, comprising:

(a) project defining means for defining subprojects composing the hierarchical structure based on a structure of works composed of an upper subproject in the hierarchical structure (**You can input up to 10,000 tasks or milestones, broken down into 128 levels of resources and/or subprojects. The project elements can be organized into 12 levels of work breakdown structures, which provide a hierarchy of tasks**) {Thus, the upper subproject (the 12 levels of work breakdown structures) organizes 10,000 tasks or milestones into 128 levels of resources (i.e., subprojects), thereby defining subprojects based on the works of an upper subprojects} [Paragraph 10];

(b) defining relationships between respective works of said subprojects and respective works of said upper subproject (**Using the graphical interface [of AutoPlan II], tasks or entire projects can be linked together. Consequently, it is possible to specify that one task can't begin until either one of two other tasks is completed**) [Paragraph 11];

(c) WBS (Work Breakdown Structure) defining means for defining a structure of works composing each of said subprojects (**You can input up to 10,000 tasks or**

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milestones, broken down into 128 levels of resources and/or subprojects)

[Paragraph 10];

(d) storage means for storing information about each work of each subproject **(Required resources (people or material), as well as time limitations, can be specified for each task in a project; Now that the program is easily accessible from anyone's workstation, it's much less difficult for team members to enter project data. As a result, the information on a project's progress is almost always up-to-date)** [Paragraphs 11, 19];

(e) compound work generating means for collecting attribute information for a collection of works from two or more of said subprojects **(plan-vs-actual dates and cost, percent of task completed, time remaining, cash-flow reports, to-do lists; needed resources, tasks, time constraints {required to produce reports})**, said collection of works selected by a user and designated as a compound work **(Using the graphical interface, tasks or entire projects can be linked together; Now that the program is easily accessible from anyone's workstation, it's much less difficult for team members to enter project data. As a result, the information on a project's progress is almost always up-to-date)** [Paragraphs 11, 12, 13, 19]; and

(f) display means for displaying said attribute information about said works comprising said compound work **(AutoPlan II is designed to allow workgroups to plan and monitor projects. It contains the two most common project management charts: Gantt and PERT charts)** [Paragraph 11].

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

D'Arrigo et al. (US Patent #5,848,394) teaches a method and system for producing a work breakdown structure for a project. D'Arrigo et al. teaches the use of work breakdown structures, a task oriented, hierarchical listing of activities which subdivides a project into manageable work packages. D'Arrigo et al. also teaches the use of WBS Template files and the definition of predecessor and successor task relationships for each task within the work breakdown structure.

Wood (US Patent #5,381,332) teaches a project management system that organizes project management data into a work breakdown structure that includes WBS elements arranged in a hierarchy. Each element has a parent/child relationship to other elements in the work breakdown structure.

The Project Management Institute's "A Guide to the Project Management Body of Knowledge" (reference 1-U), published in 1996, teaches the step of using a work breakdown structure from a previous project as a template for a new project.

Harold Kerzner's "Project Management: A Systems Approach to Planning, Scheduling, and Controlling" (Fifth Edition, reference 1-V) was published in 1995 and

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taught hierarchical structures of a work breakdown structure. Work breakdown structures could be broken down into six levels.

Microsoft's "User's Guide for Microsoft Project for Windows 95 and Windows 3.1" (reference 1-W), published in 1995, teaches the steps of using task relationships to connect a series of tasks in a schedule, organizing projects (a master project) into subprojects, and creating project templates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PC

May 7, 2007


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